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09400HB4680ham001

LRB094 17696 RLC 55314 a

1 AMENDMENT TO HOUSE BILL 4680

2 AMENDMENT NO. _____. Amend House Bill 4680 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Criminal Code of 1961 is amended by
5 changing Sections 12-15 and 12-16 as follows:

6 (720 ILCS 5/12-15) (from Ch. 38, par. 12-15)

7 Sec. 12-15. Criminal sexual abuse.

8 (a) The accused commits criminal sexual abuse if he or she:

9 (1) commits an act of sexual conduct by the use of
10 force or threat of force; or

11 (2) commits an act of sexual conduct and the accused
12 knew that the victim was unable to understand the nature of
13 the act or was unable to give knowing consent.

14 (b) The accused commits criminal sexual abuse if the
15 accused was under 17 years of age and commits an act of sexual
16 penetration or sexual conduct with a victim who was at least 9
17 years of age but under 17 years of age when the act was
18 committed.

19 (c) The accused commits criminal sexual abuse if he or she
20 commits an act of sexual penetration or sexual conduct with a
21 victim who was at least 13 years of age but under 17 years of
22 age and the accused was less than 5 years older than the
23 victim.

24 (c-5) The accused commits criminal sexual abuse if he or

1 she commits an act of sexual conduct with a victim who is at
2 least 18 years of age and under 21 years of age when the act was
3 committed and who is a student attending classes at a public or
4 private secondary school and the accused held a position of
5 trust, authority, or supervision in relation to the victim at
6 the same school.

7 (d) Sentence. Criminal sexual abuse for a violation of
8 subsection (b) or (c) of this Section is a Class A misdemeanor.
9 Criminal sexual abuse for a violation of paragraph (1) or (2)
10 of subsection (a) or subsection (c-5) of this Section is a
11 Class 4 felony. A second or subsequent conviction for a
12 violation of subsection (a) of this Section is a Class 2
13 felony. For purposes of this Section it is a second or
14 subsequent conviction if the accused has at any time been
15 convicted under this Section or under any similar statute of
16 this State or any other state for any offense involving sexual
17 abuse or sexual assault that is substantially equivalent to or
18 more serious than the sexual abuse prohibited under this
19 Section.

20 (Source: P.A. 91-389, eff. 1-1-00.)

21 (720 ILCS 5/12-16) (from Ch. 38, par. 12-16)

22 Sec. 12-16. Aggravated Criminal Sexual Abuse.

23 (a) The accused commits aggravated criminal sexual abuse if
24 he or she commits criminal sexual abuse as defined in
25 subsection (a) of Section 12-15 of this Code and any of the
26 following aggravating circumstances existed during, or for the
27 purposes of paragraph (7) of this subsection (a) as part of the
28 same course of conduct as, the commission of the offense:

29 (1) the accused displayed, threatened to use or used a
30 dangerous weapon or any object fashioned or utilized in
31 such a manner as to lead the victim under the circumstances
32 reasonably to believe it to be a dangerous weapon; or

33 (2) the accused caused bodily harm to the victim; or

1 (3) the victim was 60 years of age or over when the
2 offense was committed; or

3 (4) the victim was a physically handicapped person; or

4 (5) the accused acted in such a manner as to threaten
5 or endanger the life of the victim or any other person; or

6 (6) the criminal sexual abuse was perpetrated during
7 the course of the commission or attempted commission of any
8 other felony by the accused; or

9 (7) the accused delivered (by injection, inhalation,
10 ingestion, transfer of possession, or any other means) to
11 the victim without his or her consent, or by threat or
12 deception, and for other than medical purposes, any
13 controlled substance.

14 (b) The accused commits aggravated criminal sexual abuse if
15 he or she commits an act of sexual conduct with a victim who
16 was under 18 years of age when the act was committed and the
17 accused was a family member.

18 (c) The accused commits aggravated criminal sexual abuse
19 if:

20 (1) the accused was 17 years of age or over and (i)
21 commits an act of sexual conduct with a victim who was
22 under 13 years of age when the act was committed; or (ii)
23 commits an act of sexual conduct with a victim who was at
24 least 13 years of age but under 17 years of age when the
25 act was committed and the accused used force or threat of
26 force to commit the act; or

27 (2) the accused was under 17 years of age and (i)
28 commits an act of sexual conduct with a victim who was
29 under 9 years of age when the act was committed; or (ii)
30 commits an act of sexual conduct with a victim who was at
31 least 9 years of age but under 17 years of age when the act
32 was committed and the accused used force or threat of force
33 to commit the act.

34 (d) The accused commits aggravated criminal sexual abuse if

1 he or she commits an act of sexual penetration or sexual
2 conduct with a victim who was at least 13 years of age but
3 under 17 years of age and the accused was at least 5 years
4 older than the victim.

5 (e) The accused commits aggravated criminal sexual abuse if
6 he or she commits an act of sexual conduct with a victim who
7 was a severely or profoundly mentally retarded person at the
8 time the act was committed.

9 (f) The accused commits aggravated criminal sexual abuse if
10 he or she commits an act of sexual conduct with a victim who
11 was at least 13 years of age but under 18 years of age when the
12 act was committed and the accused was 17 years of age or over
13 and held a position of trust, authority or supervision in
14 relation to the victim.

15 (f-5) The accused commits aggravated criminal sexual abuse
16 if he or she commits an act of sexual penetration with a victim
17 who is at least 18 years of age and under 21 years of age when
18 the act was committed and who is a student attending classes at
19 a public or private secondary school and the accused held a
20 position of trust, authority, or supervision in relation to the
21 victim at the same school.

22 (g) Sentence. Aggravated criminal sexual abuse is a Class 2
23 felony.

24 (Source: P.A. 92-434, eff. 1-1-02.)".